

REMARKS

Claims 1, 5 and 7-12 are currently pending in this application. No claim amendments are made in this paper, and thus, no new matter has been added.

Applicants appreciate the Examiner's withdrawal of rejections under 35 U.S.C. § 112. Applicants respectfully submit that all of the pending claims are allowable for the following reasons.

A. The Obviousness-Type Double Patenting Rejections Should be Withdrawn

The only remaining rejections in the Office Action are those for obviousness-type double patenting of claims 1, 5 and 7-8 over U.S. Patent No. 7,678,825 ("the '825 patent") and of claims 1, 5 and 7-12 over co-pending application no. 12/368,245 ("the '245 application"). (Office Action, pages 3-5). Although terminal disclaimers over the '825 patent and the '245 application were previously submitted, it is indicated in the Office Action that they are not accepted allegedly because "[t]he assignee has not established ownership interest in the patent, in order to support terminal disclaimer." (Id., page 5). In this regard, Applicants submit herewith newly executed terminal disclaimers, which specifies the reel and frame number in which the ownership interest is recorded. Applicants respectfully request that the new terminal disclaimers be accepted and the rejection be withdrawn.

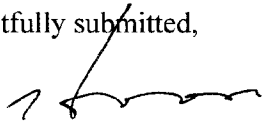
B. Conclusion

Applicants respectfully submit that all of the pending claims are allowable, and thus, respectfully request that all of the rejections be withdrawn.

No fees, other than the fee required for extension of time, are believed due for the submission of this paper. If any other fees are required, the Director is authorized to charge such fees to Jones Day Deposit Account No. 503013 (referencing 501872-999204).

Respectfully submitted,

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